

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 DOUGLAS VOGT,

11 Plaintiff,

12 v.

13 BARACK OBAMA, et al.,

14 Defendants.

CASE NO. C13-1880JLR

ORDER DISMISSING
COMPLAINT FOR LACK OF
SUBJECT MATTER
JURISDICTION

15 Before the court is Plaintiff Douglas Vogt's complaint in which he alleges that the
16 certificates of live birth from the State of Hawaii that President Barack Obama has
17 publicly released are forgeries. (*See* Compl. (Dkt. # 1) at 1-2.) He also alleges that
18 President Obama "was not born in Hawaii and [i]s not a US citizen," and that a
19 treasonous conspiracy exists among the various defendants "to take over a political party
20 and install a Communist agent in [sic] as President of the United States so as to destroy
21 the nation from within." (*Id.* at 5.) Accordingly, he asks the court "to bring to the

1 attention of the grand jury the evidence of criminal behavior sworn to herein.” (*Id.* at 9
2 (internal quotation marks omitted).)

3 On November 5, 2013, the court ordered Plaintiff Douglas Vogt to show cause
4 why his complaint should not be dismissed for lack of subject matter jurisdiction. (OSC
5 (Dkt. # 5).) On November 12, 2013, Mr. Vogt filed his response to the court’s order.
6 (Resp. (Dkt. # 6).) The court now considers Mr. Vogt’s response and whether the court
7 has subject matter jurisdiction over this action.

8 In his response, Mr. Vogt fails to provide a valid basis for this court’s exercise of
9 subject matter jurisdiction over his action. He insists that the court “is asking the wrong
10 question” (*id.* at 3), that the court “clearly” has subject matter jurisdiction (*id.*), and that
11 he is simply seeking to “discharge his civic duty as required by 18 U.S.C. § 4 –
12 Misprision of Felony and/or 18 U.S.C. § 2382 – Misprision of Treason” (*id.* at 2). He
13 argues that 18 U.S.C. § 4 and 18 U.S.C. § 2382 provide the necessary basis for the
14 court’s exercise of jurisdiction (Resp. at 2-3), and that the court is obligated to refer this
15 matter to the grand jury (*id.* at 3-8).

16 Nevertheless, Mr. Vogt fails to address any of the case authority cited by the court
17 in its order to show cause indicating that (1) there is no private right of action under
18 either 18 U.S.C. § 4 or 18 U.S.C. § 2382, (2) private parties generally lack standing to
19 institute a federal criminal prosecution, and (3) private citizens or voters, such as Mr.
20 Vogt, lack standing to challenge President Obama’s qualifications to hold office through
21 the use of misprision of felony or misprision of treason statutes, or otherwise, because
22 they have suffered no particularized injury. (*See generally* OSC.) The court, therefore,

1 concludes, consistent with the authorities cited in its prior order to show cause, that it
2 lacks subject matter jurisdiction over Mr. Vogt's action and DISMISSES this action in its
3 entirety without prejudice. The court further DIRECTS the clerk to strike all pending
4 motions from the calendar.

5 Dated this 14th day of November, 2013.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22



JAMES L. ROBART
United States District Judge